

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Jeffrey Wan, individually and on behalf of all others similarly situated,

Plaintiff,

v.

DraftKings Inc.,

Defendant.

Civil Action No. 1:24-cv-09557

DRAFTKINGS INC.'S NOTICE OF MOTION AND MOTION TO DISMISS

TO ALL COUNSEL:

PLEASE TAKE NOTICE THAT on March 19, 2025, at 10:00 in the forenoon, or as soon thereafter as counsel may be heard, in Courtroom 14D before the Honorable Alvin K. Hellerstein, located in the United States Courthouse, 500 Pearl Street, New York, New York, 10007, DraftKings Inc. will and hereby does move this Court to Dismiss Plaintiff's Complaint.

This Motion is made pursuant to Federal Rule of Civil Procedure 12(b)(6), on the grounds that Plaintiff has failed to state a claim under the Video Privacy Protection Act and based on all applicable law.

This Motion is based on this Notice of Motion and Memorandum of Points and Authorities filed concurrently herewith, all of the pleadings, files, and records in this proceeding, all other matters of which the Court may take judicial notice, and any argument or evidence that may be presented to or considered by the Court prior to its ruling.

PLEASE TAKE FURTHER NOTICE that oral argument is requested in the event there is opposition to this Motion.

DATED: New York, New York
February 21, 2025

By: /s James Sandnes

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